

REMARKS

Claims 1, 2, 4-12, 14-19, 21-26, 28-33, 40, and 41 are currently pending. By this Amendment, Claims 2, 4, 5, 14, 15, 21, 22, 26, 28, and 29 have been cancelled, and new Claims 42-52 have been added. Thus, Claims 1, 6-12, 16-19, 23-25, 30-33, and 40-52 are currently at issue.

I. Examiner Interview Summary

The Examiner conducted telephonic Interviews with Applicant's attorney, Gregory G. Schlenz, on July 17, 2007, and July 19, 2007. Independent claim 10, in particular, was discussed, along with the Merschlewitz reference. The Examiner agreed that the language of amended claim 10 appeared to overcome the present §102 rejection thereof, pending further review. Applicant thanks the Examiner for his time in conducting the Interviews.

II. Anticipation Rejections Over Shelver

In Paragraph 2 of the Office Action, the Examiner rejected Claims 1, 2, 4-9, 33, and 40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,889,434 to Shelver ("Shelver"). Applicant has cancelled Claims 1, 2, 4-9, 33, and 40.

III. Anticipation Rejections Over Merchlewitz

In Paragraph 3 of the Office Action, the Examiner rejected Claim 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,899,033 to Merchlewitz ("Merchlewitz"). Merchlewitz discloses a carrier member (20) having an extending pin portion (82) with a series of barbs (84) extending therefrom, which is inserted into a muntin bar (22). (Merchlewitz, Col. 5, Lines 1-20; FIG. 2).

Claim 10, as amended, includes, among other elements, "a textured surface ...having a plurality of protrusions thereon, the protrusions extending a distance from the textured surface, the distance being substantially smaller than a length and a width of the textured surface." In the Office Action and in the Interview, the Examiner asserted that the members (76) and (78) in

Merschlewitz constituted projections creating a textured surface. Applicant submits that the amendments to claim 10 further clarify that the protrusions creating the textured surface are small in relation to the size of the textured surface. This differentiates the protrusions (76, 78) in Merschlewitz from the protrusions recited in claim 10, since the protrusions (76, 78) in Merschlewitz are relatively large relative to the structures from which they extend. Thus, Merschlewitz cannot anticipate Claim 10.

IV. Anticipation Rejections Over Gieseke

In Paragraph 4 of the Office Action, the Examiner rejected Claims 11-12 and 16-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,131,356 to Gieseke ("Gieseke"). Additionally, in Paragraph 6 of the Office Action, the Examiner rejected Claims 25-26 and 30-32 under 35 U.S.C. § 102(b) as being anticipated by Gieseke. Gieseke discloses a muntin bar clip (1) having a tip (40) that includes an offset (30) and either one or more prongs (45) (FIG. 1) or a generally planar blunt end (50) (FIG. 2) to engage a spacer (84). (Gieseke, Col. 3, Lines 39-47; Col. 4, Lines 10-16). The clip (1) is secured to the spacer (84) by sandwiching the prongs (45) or the blunt end (50) between the spacer (84) and the pane (71). (Gieseke, FIG. 5). The muntin bar clip (1) also has a post (10) extending from the tip (40), having fastener means (20) and adapted to be inserted into a muntin bar end (65). (Gieseke, Col. 4, Lines 1-16).

A. Claims 11-12 and 16-17

Claim 11, as amended, includes, among other elements, "a textured surface ... having a plurality of protrusions distributed across an entirety of the textured surface to create a surface texture on the textured surface." Gieseke does not disclose this element of claim 11. The Office Action does not identify any "protrusions" in Gieseke. Applicant submits that Gieseke does not contain protrusions as recited in Claim 11, distributed across an entirety of a textured surface to create a surface texture on the textured surface. Accordingly, Gieseke does not disclose this element of claim 11, and cannot anticipate claim 11.

Gieseke also cannot anticipate claims 12, 16, and 17, because claims 12, 16, and 17 depend from claim 11 and include all the elements of claim 11.

B. Claims 25-26 and 30-32

Claims 25-26 and 30-32 have been cancelled.

V. Anticipation Rejections Over Reichert

In Paragraph 5 of the Office Action, the Examiner rejected Claims 11-12 and 14-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0034990 to Reichert ("Reichert"). Additionally, in Paragraph 7 of the Office Action, the Examiner rejected Claims 25-26 and 28-32 under 35 U.S.C. § 102(b) as being anticipated by Reichert.

A. Claims 11-17

Claim 11, as amended, includes, among other elements, "a textured surface ... having a plurality of protrusions distributed across an entirety of the textured surface to create a surface texture on the textured surface." Reichert does not disclose this element of claim 11. As asserted by the Examiner, Reichert shows a window assembly having two panes of glass (18,20) separated by a pane separator (22), and a muntin grid having muntin clips (50) attached to muntin bars (42). However, Reichert does not disclose that the clip has a textured surface for frictionally engaging the separator (22). The Office Action also does not identify any "protrusions" in Reichert. Applicant submits that Reichert does not contain protrusions as recited in Claim 11, distributed across an entirety of a textured surface to create a surface texture on the textured surface. Accordingly, Reichert does not disclose this element of claim 11, and cannot anticipate claim 11.

Reichert also cannot anticipate claims 12, 16, and 17, because claims 12, 16, and 17 depend from claim 11 and include all the elements of claim 11.

B. Claims 25-26 and 28-32

Claims 25-26 and 28-32 have been cancelled.

VI. Obviousness Rejections Over Reichert in view of Pease III

In Paragraph 9 of the Office Action, the Examiner rejected Claim 41 under 35 U.S.C. § 103(a) as being obvious over Reichert in view of U.S. Patent No. 5,834,124 to Pease III *et al.* ("Pease III"). Additionally, in Paragraph 10 of the Office Action, the Examiner rejected Claims 18-19 and 21-24 under 35 U.S.C. § 103(a) as being obvious over Reichert in view of Pease III.

A. Claim 41

Claim 41, as amended, includes, among other elements, "a textured surface ... having a plurality of protrusions thereon, each protrusion having a length, a width, and a height that are substantially smaller than a length and a width of the textured surface." Applicant submits that the cited references, alone or in combination, do not disclose, teach, or suggest this element of Claim 41. The amendments to claim 41 further clarify that the protrusions creating the textured surface are small in relation to the size of the textured surface. Reichert does not disclose such a textured surface, nor does Reichert disclose protrusions as recited in claim 41. For example, the structures (54) asserted in the Office Action to be the recited "protrusions" extend substantially the entire width of the surface to which they are attached. Pease III also does not disclose any of these elements of Claim 41, and the Examiner does not assert otherwise in the Office Action. Thus, the cited references do not disclose at least these elements of claim 41, and no *prima facie* case of obviousness has been established with respect to claim 41.

B. Claims 18-19 and 21-24

Claim 18 includes, among other elements, "a textured surface ... having a plurality of protrusions distributed across an entirety of the textured surface to create a surface texture on the textured surface." This element is similar to the element discussed above with respect to claim 11. Thus, for the reasons stated above with respect to claim 11, Reichert does not disclose this element of claim 18. Pease III also does not disclose this element of claim 18, and the Office Action does not assert otherwise. Accordingly, Reichert and Pease III, alone or in combination, do not disclose, teach, or suggest this element of Claim 18, and no *prima facie* case of obviousness has been established with respect to claim 18.

Additionally, no *prima facie* case of obviousness has been established with respect to Claims 19 and 23-24, because claims 19 and 23-24 depend from claim 18 and include all the elements of claim 18.

VII. New Claims

New dependent Claims 42-43 depend from Claim 41, and are patentable over the cited references for the same reasons as independent Claim 41. New dependent Claims 44-45 depend from Claim 11, and are patentable over the cited references for the same reasons as independent Claim 11. New dependent Claims 46-47 depend from Claim 18, and are patentable over the cited references for the same reasons as independent Claim 18.

New independent Claim 48 has been added to the present Application. Claim 48 contains elements not disclosed by the cited references, including, for example, "a textured surface ... having a plurality of protrusions thereon, the protrusions extending a distance from the textured surface substantially smaller than a length and a width of the textured surface." This element is similar to the element discussed above with respect to Claim 10, and as stated above with respect to Claim 10, Merschlewitz does not disclose this element of Claim 10. Additionally, none of the other cited references disclose a sash window that includes a muntin clip as recited in claim 48. Accordingly, new Claim 48 is patentable over the cited references.

New dependent Claims 49-52 depend from Claim 48. Accordingly, Claims 49-52 are patentable over the cited references for the same reasons as claim 48.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of Claims 1, 6-12, 16-19, 23-25, 30-33, and 40-41 in the present Application. Applicant also respectfully requests examination and allowance of new Claims 42-52. Applicant submits that the Application is in condition for allowance and respectfully requests an early notice of the same.

Please charge any necessary fees to our Deposit Account No. 19-0733.

Respectfully submitted,

Dated: July 20, 2007

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